

IN THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF  
NEW JERSEY

DAVID MERCER, JR.,

Plaintiff,

v.

UNDER ARMOUR, INC., et al.,

Defendants.

Civil No. 16-581 (JHR/AMD)

**ORDER**

This matter comes before the Court *sua sponte* in light of *pro se* Plaintiff David Mercer, Jr.'s failure to appear for a court-ordered conference on December 5, 2016; failure to enter his appearance *pro se* or obtain an attorney and have new counsel enter an appearance on his behalf; failure to appear for a court-ordered hearing on January 27, 2017; and failure to prosecute his case. (See Order to Show Cause [D.I. 38], Jan. 13, 2017); and the Court having considered the Report and Recommendation submitted by the Honorable Ann Marie Donio, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C); and the parties having been notified that they had fourteen (14) days from receipt of the Report and Recommendation to file and serve objections pursuant to Local Civil Rule 72.1(c)(2), and no objections having been received; and the Court finding that the Report and Recommendation is neither clearly erroneous, nor contrary to law;

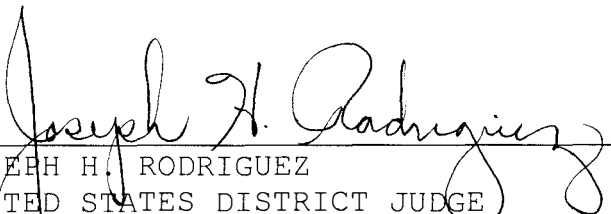
and for good cause shown:

IT IS on this 6<sup>th</sup> day of March, 2017 hereby

**ORDERED** that the Report and Recommendation is **ADOPTED**;

and it is further

**ORDERED** that Plaintiff's complaint shall be, and is hereby, **DISMISSED WITH PREJUDICE**.

  
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JOSEPH H. RODRIGUEZ  
UNITED STATES DISTRICT JUDGE